

REMARKS

1. The Amended Claims Comply With the Requirements of 35 U.S.C. §101

The Examiner rejected claims 1-18 and 58-65 under 35 U.S.C. §101 as directed to non-statutory subject matter. (Office Action, pg. 2) In particular, the Examiner found that the claims were not in compliance because they did not require the use of computers. Applicants have amended independent claims 1, 13, 18, and 58 and dependent claims 4 and 19 to include the use of computer operations to process the computerized inventory database for certain of the claim limitations. Applicants submit that these amendments satisfy the Examiner's demands and comply with the requirements for statutory subject matter set forth in the Manual of Patent Examination and Procedure (MPEP) Sec. 2106, pgs. 2100-14 to 2100-18 (8th Ed., Aug. 2001).

2. The Amended Claims Comply With 35 U.S.C. §112, par. 2

The Examiner rejected claims 13-19, 32-38, and 51-57 on the grounds that the claim term "acquiring entity" lacks proper antecedent basis. (Office Action, pgs. 3-4) Applicants have amended claims 13, 18, 32, 37, and 51 to provide antecedent basis for the claim term "acquiring entity". Applicants submit that these amendments correct the antecedent basis problem with respect to all claims rejected on these grounds.

3. The Claims Are Patentable Over 35 U.S.C. §102

The Examiner rejected claims 1-38 and 58-65 as anticipated (35 U.S.C. §102) by Graves (Statutory Invention Reg. No. H1743). Applicants traverse for the following reasons.

Applicants submit that the Examiner's rejection is improper because the Examiner has not specifically shown which sections of the cited Graves disclose the specific claim limitations. All the Examiner has done is generally state that claims 1-38 and 58-65 are anticipated by Graves, without citing or identifying any specific sections of Graves that disclose the specific limitations, making a response by Applicants almost impossible. For this reason, Applicants have no way to respond to the Examiner's rejections because the Examiner has not specifically

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shown which parts of the cited Graves anticipate which claim limitations. The Examiner's rejection is devoid of any specific claim analysis.

Applicants further submit that the Examiner's rejection does not comply with 37 CFR 1.104 because the Examiner has not specifically shown how the cited Graves discloses each specifically rejected claim and the claim limitations. 37 CFR 1.104(c)(2) requires that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Here, the cited Graves is extensive, including twenty columns of text and eight figures. The Examiner has clearly not complied with the specificity requirement in the Code of Federal Regulations because the Examiner has not provided any analysis of how Graves anticipates and discloses each rejected claim. Instead, the Examiner has just generally stated that Graves anticipates a group of claims, without any explanation as to which sections of Grave specifically disclose specific limitations of the claims.

Applicants further note that the Examiner's grouping of the claims and issuing an omnibus rejection of these claims also violates the rules of the MPEP. For instance, the MPEP states that:

An omnibus rejection of the claim "on the references and for the reasons of record" is stereotyped and usually not informative and should therefore be avoided. This is especially true where certain claims have been rejected on one ground and other claims on another ground.

A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.

MPEP Sec. 707.07(d), pg. 700-98.

Here, the Examiner has grouped claims 1-38 and 58-65 together, which includes numerous independent and dependent claims, and applied a common rejection thereto without any explanation as to how specific sections of Graves actually disclose the claim requirements. Applicants submit that such an omnibus rejection additionally violates the rules of the MPEP, as well as the Code of Federal Regulations.

If the Examiner continues his rejections in view of Graves of claims 1-38 and 58-65, Applicants request that the Examiner issue a further non-final office action explaining how specific sections of Graves disclose and anticipate the claim limitations of each rejected claim as required by the Code of Federal Regulations and MPEP.

To illustrate the problems with the Examiner's rejection that is devoid of specific analysis, Applicants will explain why the Abstract of Graves fails to disclose all the requirements of amended independent claim 1.

Amended independent claim 1 requires a method for ordering products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising: generating, by the acquiring entity, an order to acquire a requested quantity of products; performing computer related operations to update a computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order; receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; performing computer related operations to update the inventory database with the information received from the supplier to indicate the commitment quantity; and performing computer related operations to update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

The Abstract of Graves discusses an inventory monitoring system (IMS) to monitor supply consumed in manufacturing. The IMS uses historical data of usage of the supplies to determine the time until the stored supplies are depleted. If the supplies are depleted, the IMS communicates with the supplier to move ahead delivery, or if the supplies are consumed at a lower than projected rate, the IMS communicates with the supplier to delay a shipment. Alarms are generated if there is a sudden change in the rate of usage of the supplies, and for detecting the receipt of replacement supplies in order to authorize payment.

Nowhere does the Abstract of Graves anywhere disclose the claim requirements of receiving information from the supplier indicating a commitment quantity of a number of the

products the supplier intends to ship to the RSC to meet the requested quantity. Nowhere in the abstract is there any disclosure of the claim requirements that the supplier communicate a commitment quantity and then update the inventory database with the information received from the supplier to indicate the commitment quantity. Further, nowhere does the Abstract of Graves anywhere disclose the claim requirement of updating the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

Applicants have explained why the Abstract of Graves fails to disclose all the claim requirements of claim 1, and hence fails to anticipate claim 1, to illustrate the problem of the Examiner's rejection that does not provide any explanation as to what specific sections of the cited Graves discloses the claim limitations. Applicants request the Examiner to cite specific sections of Graves that anticipate each of the claim limitations of each of the claims as required by the Code of Federal Regulations and MPEP in a subsequent non-final office action if the Examiner maintains his rejections of the claims.

4. Claims 39-57 Are Patentable Over the Cited Art

The Examiner rejected claims 39-57 as obvious (35 U.S.C. §103) over Graves. Applicants traverse for the following reasons.

As with the anticipation rejection, the Examiner has failed to cite specific sections of the lengthy Graves reference that disclose the requirements of the rejected claims 39-57. Applicants submit that such a rejection is improper for the reasons discussed above. If the Examiner maintains his rejection of the claims, Applicants request that the Examiner issue a subsequent non-final office action providing specific grounds for rejection, i.e., citing specific sections of Graves that disclose specific limitations of the rejected claims, so that Applicants may ascertain the grounds for rejections and properly respond thereto.

Applicants nonetheless explain why the rejected claim 39 is patentable over the cited Graves.

Claim 39 requires program for ordering products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising a computer usable media including at least one computer program embedded therein that is capable or causing at least one computer to perform: generating, with the acquiring entity, an order to acquire a requested quantity of products; updating an inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order; receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; updating the inventory database with the information received from the supplier to indicate the commitment quantity; updating the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

The Abstract of Graves discusses inventory monitoring system (ISM) to monitor supply consumed in manufacturing. The ISM uses historical data of usage of the supplies to determine the time until the stored supplies are depleted. If the supplies are depleted, the IMS communicates with the supplier to move ahead delivery, or if the supplies are consumed at a lower than projected rate, the IMS communicates with the supplier to delay a shipment. Alarms are generated if there is a sudden change in the rate of usage of the supplies, and for detecting the receipt of replacement supplies in order to authorize payment.

Nowhere does the Abstract anywhere disclose the claim requirements of receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity. Nowhere in the abstract is there any discussion of the supplier communicating a commitment quantity and then performing the claim requirement of updating the inventory database with the information received from the supplier to indicate the commitment quantity. Further, nowhere does the Abstract of Graves anywhere disclose the claim requirement of updating the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

Applicants further note that certain of these above discussed claim requirements not disclosed in the Abstract of Graves, such as updating product records in the inventory database with a commitment quantity of a number of the products the supplier intends to ship are included in claims 51 and 56. Further, claims 51 and 56 further require that the inventory database include information received from an RSC, in addition to information from the acquiring entity and supplier. Applicants further submit that these requirements are not disclosed in the Abstract of Graves.

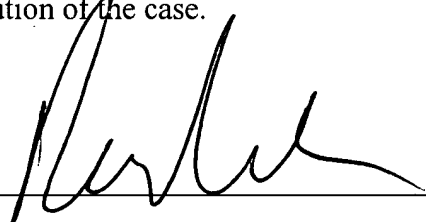
Conclusion

For all the above reasons, Applicant submits that the pending claims 1-65 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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By: _____


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REMARKS

IN THE CLAIMS

Amend claims 1, 4, 13, 16, 18, 32, 37, 51, 56, and 58 below and as shown in the attached “Version With Markings to Show Changes Made” submitted pursuant to 37 CFR 1.121.

1. (Amended) A method for ordering products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising:

generating, [with] by the acquiring entity, an order to acquire a requested quantity of products;

performing computer related operations to [updating] update [an] a computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order;

receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity;

performing computer related operations to [updating] update the inventory database with the information received from the supplier to indicate the commitment quantity; and

performing computer related operations to [updating] update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record.

4. (Amended) The method of claim 1, further comprising:

performing computer related operations to [updating] update the inventory database with information received from the acquiring entity for one product record indicating an order of products from the RSC to deliver to the acquiring entity to fulfill the order.

13. (Amended) A method for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, comprising the supplier [performing]:

performing computer related operations to [accessing] access information in [an] computerized inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the RSC indicating products shipped from the supplier for one specified product record;

determining from the accessed information the requested quantity for one product record;
and

performing computer related operations to [updating] update one product record in the inventory database indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity.

16. (Amended) The method of claim 13, wherein the supplier further performs:

performing computer related operations to [updating] update one product record in the inventory database indicating shipment status of products the supplier is shipping to the RSC to satisfy the commitment quantity for the product record being updated.

18. (Amended) A method for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, comprising the RSC performing the steps of:

performing computer related operations to [accessing] access information in [an] computerized inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the supplier

indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; and

performing computer related operations to [updating] update one product record in the inventory database indicating products received from the supplier for one specified product record.

32. (Amended) A system for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, a supplier machine comprising:

means for accessing information in an inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the RSC indicating products shipped from the supplier for one specified product record;

means for determining from the accessed information the requested quantity for one product record; and

means for updating one product record in the inventory database indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity.

37. (Amended) A system for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, a RSC machine comprising:

means for accessing information in an inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii)

information received from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; and

means for updating one product record in the inventory database indicating products received from the supplier for one specified product record.

51. (Amended) A program for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, comprising a computer usable media including at least one computer program embedded therein that is capable or causing at least one computer to perform:

accessing information in an inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record including a requested quantity that the acquiring entity wants to receive and (ii) information received from the RSC indicating products shipped from the supplier for one specified product record;

determining from the accessed information the requested quantity for one product record;
and

updating one product record in the inventory database indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity.

56. A program for ordering products, wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein [the] an acquiring entity obtains products from the RSC, comprising a computer usable media including at least one computer program embedded therein that is capable or causing at least one computer to perform:

accessing information in an inventory database including product records, wherein each product record indicates a specified product, wherein the inventory data base is capable of being updated from: (i) information received from the acquiring entity to add a product record

including a requested quantity that the acquiring entity wants to receive and (ii) information received from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity; and

updating one product record in the inventory database indicating products received from the supplier for one specified product record.

58. (Amended) A method for purchasing products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising:

generating, with the acquiring entity, an order to acquire a requested quantity of products;
performing computer related operations to [updating] update [an] computerized inventory database with a product record including a requested quantity that the acquiring entity wants to receive of the product based on the generated order;

receiving information from the supplier indicating a commitment quantity of a number of the products the supplier intends to ship to the RSC to meet the requested quantity;

performing computer related operations to [updating] update the inventory database with the information received from the supplier to indicate the commitment quantity;

performing computer related operations to [updating] update the inventory database from information received from the RSC indicating products shipped from the supplier for one specified product record;

performing computer related operations to [updating] update the inventory database with information received from the acquiring entity for one product record indicating an order of products from the RSC to deliver to the acquiring entity to fulfill the order; and

generating an invoice once the ordered products are delivered to the acquiring entity and confirmed by the supplier.